

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS) FILED: JUNE 30, 2008
OF NORTHERN ILLINOIS WELFARE AND) 08CV3708
PENSION FUNDS,) JUDGE GOTTSCHALL
) MAGISTRATE JUDGE NOLAN
Plaintiffs,) YM
) No.
v.)
) Judge
DOTSON TRUCKING, INC.,)
an Illinois corporation,)
)
Defendant.)

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, DOTSON TRUCKING, INC. an Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) DOTSON TRUCKING, INC. an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) DOTSON TRUCKING, INC. is an Illinois corporation, with its principal place of business at Aurora, Illinois.

(c) DOTSON TRUCKING, INC. an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. DOTSON TRUCKING, INC. an Illinois corporation, entered into Area Wide Material Hauling Agreement with Teamsters Local 673 which require contributions to the Funds pursuant to 29 U.S.C. 1145 (Exhibit "A").

5. Pursuant to the terms of the contract and the trust agreements establishing the Funds, Employer is required to make its books and records available to the Funds for audit.

6. The Funds have attempted to obtain the books and records of the Defendant for an audit for the period October, 2007 through April, 2008. The Funds' auditor has written and repeatedly telephoned the company and received no response.

7. Without an order directing an audit be performed and delinquencies paid thereunder, Plaintiffs are unable to fulfill their fiduciary duties under the Plan.

8. The amount presently due cannot be ascertained without an audit.

WHEREFORE, Plaintiffs pray:

A. That the Court order an audit of Defendant's books and records for the period October, 2007 through the present to determine the actual amounts due and owing.

B. That judgment be entered against the corporation and in favor of the Plaintiffs in the amount shown to be due under the audit.

C. That the Plaintiffs be awarded all relief provided for under 29 U.S.C. 1132(g)(2) including interest, 20% liquidated damages, costs and attorneys' fees.

D. That the Court enjoin the corporation from operation without making the Fund whole for its past delinquencies, and the grant of security for its current contributions.

E. Such other relief as the Court may deem appropriate..

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: John J. Toomey 6/30/08
One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

ADDENDUM
ATTACHED

ORIGINAL

THE

AREA WIDE MATERIAL HAULING AGREEMENT

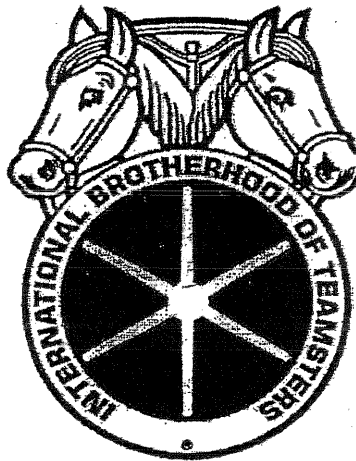
BETWEEN

TEAMSTERS LOCAL 673

EFFECTIVE APRIL 2, 2007 THROUGH MAY 31, 2010

Dotson Trucking, Inc.
2588 Dickens Court
Aurora, IL 60504
Phone: (630) 546-9488

Received
OCT 17 2007
Pension Fund Office



IN WITNESS WHEREOF THE PARTIES HAVE HEREUNTO SET THEIR HANDS
THIS _____ DAY OF _____.

FOR THE EMPLOYER:

Dotson Trucking, Inc.
2588 Dickens Court
Aurora, IL 60504
Phone: (630) 546-9488



SIGNATURE:

FOR THE UNION:

TEAMSTERS LOCAL 673
1050 W. ROOSEVELT RD.
WEST CHICAGO, IL 60185
(630) 231-6660



THOMAS L. CUSTER
SECRETARY-TREASURER
& BUSINESS MANAGER

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